

## PROGRAM INTEGRITY REQUEST FOR REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 -10 of the form. Use a separate form for each policy interpretation request. Retain a copy of the Word Document for your records, and submit via email to: [PIBPolicy@dss.ca.gov](mailto:PIBPolicy@dss.ca.gov).

1. REQUESTOR NAME: Melissa Chiasson	5. COUNTY: San Joaquin County
2. PHONE NO: (209) 468-1567 EMAIL: <a href="mailto:mchiasson@sjgov.org">mchiasson@sjgov.org</a>	6. SUBJECT: IPV Deletion
3. REGULATION CITE(S): 7 CFR § 273.16(i)(6)	7. REFERENCES: (ACLs/ACINs, COURT CASES Etc.) ACL 15-26
4. DATE OF REQUEST: 06/22/2017	8. DATE RESPONSE NEEDED: 07/22/2017

### 9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

(A) If a County Welfare Department (CWD) no longer has documentation supporting a client's Intentional Program Violation (IPV), is the CWD required to delete the IPV record from the disqualified recipient database even if the initial IPV time period has been served?

(B) If a client signed an Administrative Disqualification Hearing (ADH) Waiver agreeing to a second IPV disqualification penalty but the CWD does not have adequate documentation for the first IPV, can the CWD go forward with imposing a second IPV?


### 10. REQUESTOR'S PROPOSED ANSWER:

If a County Welfare Department (CWD) no longer has documentation supporting a client's Intentional Program Violation (IPV), is the CWD required to delete the IPV out of the State records even if the IPV time period has already been served?

Example. Client received CalFresh IPV in 9/1991. Client served the IPV sanction time period of 12 months. CWD has no documents on the original IPV. Client has since signed a ADH Waiver for a second IPV. Can the CWD go forward with imposing the 2nd IPV without any records of the first?

### 11. CDSS RESPONSE:

(A) Yes. If a CWD determines that the documentation required to support a disqualification record is either inadequate or nonexistent, then the CWD shall act to remove the record from the disqualified recipient database by submitting a DPA 488 form (7 CFR § 273.16(i)(6)). Per ACL No. 15-26, "records necessary to sustain an IPV disqualification should be retained through the life of the individuals." (B) No. Without adequate documentation of the first IPV, the second IPV technically becomes the first and will be subject to a first IPV disqualification penalty. A new ADH Waiver listing the accurate disqualification penalty must be signed by the client.

PROGRAM INTEGRITY ANALYST: Cassandra Wagner	APPROVING MANAGER: 
DATE: 03/02/2018	DATE: 3/15/2018

DATE RESPONSE RECEIVED/LOG # (CDSS Use Only):

6/28/17 - PI 17-37

Please note: The policies expressed in this response are based on the unique set of facts presented and should not be presumed to apply in other situations.